

Absent, not excused.

Bailey.	Lewis.
Bowser.	McComb.
Crowley.	Stafford.

By consent, Senator Sherrill offered the following resolution:

Resolved, That the per diem of the Senator from Wood, the Hon R. N. Stafford, be paid from the beginning of this session of the Legislature.

Adopted.

By unanimous consent the following bills were offered:

By Senator Tips:

A bill to be entitled "An act to authorize the State Health Officer with the advice and consent of the Governor, to sell any condemned property in the State Quarantine service, and to pay over the proceeds into the general revenue of the State."

Read first time and referred to Finance Committee.

By Senator Rogers:

A bill to be entitled "An act to amend article 2520, chapter 6, title 47, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Rogers:

A bill to be entitled "An act to amend article 1889, chapter 8, title 37, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

The following message was received from the Governor:

Executive Office,
Austin, January 21, 1895.

To the Senate:

The advice and consent of the Senate is respectfully asked to the following appointments:

Trustees of the Deaf and Dumb and Blind Asylum for Colored Youths at Austin—Reverend A. H. Mitchell, D. W. Doom, Henry Hutchings, Sam Harlan of Travis county; Lee J. Roundtree of Hays county.

Trustees of the Institute for the Blind at Austin—J. H. Henderson of Travis county, vice Reverend R. K. Smoot, whose name is withdrawn at his request.

C. A. CULBERSON, Governor.

On motion of Senator Lawhon the Senate adjourned to 10 a. m., tomorrow.

THIRTEENTH DAY.

Senate Chamber.

Austin, Texas, Tuesday, Jan. 22, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names: Agnew, Atlee, Bailey, Beall, Boren, Bowser, Colquitt, Crowley, Darwin, Dean, Dibrell, Dickson, Gage, Goss, Greer, Harrison, Lawhon, Lewis, McKinney, Pres-

ler, Rogers, Shelburne, Sherrill, Simpson, Smith, Stafford, Steele, Tips, Whitaker, Woods.

Absent—Senator McComb.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator Whitaker, the same was suspended.

On motion of Senator Rogers, Senator McComb was excused for last week, yesterday and today on account of important business.

On motion of Senator Dibrell, Senator Lewis was excused for yesterday on account of important business.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 21, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 30, being a bill to be entitled "An act to establish a court at Texarkana, in Bowie county, to be styled, Texarkana Civil and Criminal Court, and to prescribe the jurisdiction and organization thereof, and to conform the jurisdiction of other courts thereto,"

Have had the same under consideration, and I am instructed, by a majority of the Committee, to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 33, being a bill to be entitled "An act to amend article 318, chapter 4, title 4, of the Penal Code of the State of Texas, as amended by the Twenty-first Legislature by an act entitled 'An act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas, passed by the Twentieth Legislature, and approved February 24, 1887,' approved January 30, 1889,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 6, being a bill to be entitled "An act concerning primary elections, called and held by authority of any political party, to prevent illegal voting at same, to prevent bribery and betting at same, and false returns thereof, and providing penalties therefor,"

Have had the same under consideration, and I am instructed to report the same

back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, Jan. 21, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 67, being a bill to be entitled "An act to amend article 378 of the Penal Code of the State of Texas, and to better enforce the local option laws of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, January 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 59, being a bill to be entitled "An act to amend article 528, title 15, chapter 7, of the Penal Code of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by striking out eighteen and inserting fourteen wherever it occurs; and amend further by inserting after the word "fraud," "Provided, the defendant may show that the party on whom the offense is charged to have been committed, is a female of bad character for chastity."

AGNEW, Chairman.

Committee Room,
Austin, Texas, January 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 51, being a bill to be entitled "An act to amend articles 798 and 799, of chapter 18, title 17, of the Penal Code of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, January 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 56, being a bill to be entitled "An act to amend article 503, of chapter 3, title 15, of the Penal Code of the State of Texas,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, January 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 14, being a bill to be entitled "An act to amend article 722, chapter 8, title 17, of the Penal Code of the State of Texas, as amended by the Eighteenth Legislature, by an act entitled 'An act to amend article 722, chapter 8, title 17, of the Penal Code of the State of Texas,' approved April 12, 1883,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, January 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 24, being a bill to be entitled "An act to amend section 12, of an act entitled, 'An act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville,' approved April 2, 1889,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Tex., Jan. 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2 to whom was referred

Senate bill No. 35, being a bill entitled "An act to authorize the La Porte, Houston and Northern Railroad Company to purchase and acquire and consolidate with it all the property rights and franchises of the North Galveston, Houston and Kansas City Railroad Company, and the Houston Belt and Magnolia Park Railway Company, and to change its corporate name,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Tex., Jan. 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 69, being a bill to be entitled "An act to amend article No. 3239

of the Revised Civil Statutes of the State of Texas, and to better enforce the local option laws of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Tex., Jan. 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 8, being a bill to be entitled "An act to amend section 58, chapter 122, of an act entitled 'an act to provide for a more efficient system of public free schools for the State of Texas, etc., approved May 20, 1893,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PRESLER, Chairman.

Committee Room,
Austin, Tex., Jan. 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 7, entitled "An act to repeal chapter 9 of the general laws of the State of Texas, passed at the first called session of the Twenty-second Legislature, the same being an act carrying into effect the constitutional amendment to article 7, section 5, transferring annually 1 per cent of the permanent to the available school fund,"

Have had the same under consideration, and I am instructed to report the accompanying substitute therefor back to the Senate, with the recommendation that it do pass, and with the adverse minority report hereto attached.

PRESLER, Chairman.

S. S. B. No. 7.) (By Committee.

A bill to be entitled "An act to amend section 9 of chapter 122 of the General Laws of the State of Texas, passed at the regular session of the Twenty-third Legislature and approved May 20, 1893.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 9 of chapter 122 of the general laws of the State of Texas, passed by the regular session of the Twenty-third Legislature, and approved May 20, 1893, be so amended as to hereafter read as follows:

"Section 9. One-fourth of all occupation taxes and the one dollar poll tax levied and collected for the use of public free schools, exclusive of the delinquencies and cost of collection; the interest arising from any bonds or funds belonging to the permanent school fund, and all the interest derivable from the proceeds of sale of land heretofore set apart for the permanent school fund, which have hitherto or may hereafter come into the State Treasury; all moneys arising from the

lease of school lands, and such an amount of State tax, not to exceed twenty cents on the hundred dollars valuation of property, as may be from time to time levied by the Legislature, shall constitute the available school fund, which fund shall be apportioned annually to the several counties of this State, according to the scholastic population of each, for the support and maintenance of the public free schools."

Sec. 2. The fact that the permanent school fund of this State is being depleted and destroyed by the annual transfer of 1 per cent thereof to the available school fund creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Jan. 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

We, the undersigned, a minority of the Committee on Education, beg leave to differ with a majority of said committee in their recommendation that the above bill do pass, and respectfully recommend that said bill do not pass.

STEELE.
COLQUITT.
WOODS.
SHERRILL.
GAGE.
AGNEW.

Committee Room,
Austin, Texas, Jan. 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 73, being a bill to be entitled "An act to authorize the State Health Officer, with the advice and consent of the Governor, to sell any condemned property in the State Quarantine Service, and to pay over the proceeds into the general revenue of the State,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TIPS, Chairman.

Committee Room,
Austin, Texas, Jan. 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 21, being a bill to be entitled "An act to define the territory and to provide for establishing the boundaries of cities and towns in this State, and to validate the incorporation of any city or town heretofore incorporated in this State in certain cases,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CROWLEY, Chairman.

Committee Room,
Austin, Texas, January 22, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 23, being "An act to amend section 1, chapter 15, of the General Laws of the State of Texas, passed at the regular session of the Twenty-third Legislature, and to fix the time and place of making sales of real estate under execution, order of sale or venditioni exponas, and to proscribe the mode and manner of advertising such sales,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 22, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, being "An act to repeal chapter 74, of the acts of the Twenty-third Legislature, approved the 2d day of May, 1893, and found on page 98 of the General Laws of the State of Texas, and known as the Board of Pardons Advisers,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 34, being "An act for the relief or railway corporations and belt and suburban railway companies, having charters granted or amended since the first day of January, 1887, and which have failed or are about to fail to construct their roads and branches or any part thereof within the time required by law,"

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

PETITIONS AND MEMORIALS.

By Senator Dibrell, by request:

Memorial from Guadalupe county, asking certain changes in school law.

Read and referred to Committee on Education.

BILLS AND RESOLUTIONS.

By Senator Shelburne:

A bill to be entitled "An act to amend sections 9 and 11 of an act entitled 'An act to redistrict the State into judicial districts, and fixing the time of holding the courts therein,' approved April 20, 1893, and an act to amend an act entitled 'An act prescribing the time of holding the terms of the district courts, in the Eleventh judicial district,' approved May 4, 1893, and to create the Fifty-

fifth judicial district and fix the time of holding court therein, and to provide for the appointment of a judge for said district, and to repeal all laws in conflict with this act."

Read first time and referred to Committee on Judicial Districts.

By Senator Dibrell:

A bill to be entitled 'An act to amend sections 4, 5, 6, and 16, of 'An act to regulate the practice of pharmacy in the State of Texas, and providing a penalty for the enforcement of the same,' approved April 6th, 1889."

Read first time and referred to Committee on Public Health.

By Senator Steele:

Resolved, That the Senate appoint the hour of 12 o'clock m., today, for the purpose of voting for a United States senator.

Adopted.

Call concluded.

Senator Harrison moved to reconsider the vote by which the resolution allowing the per diem of Senator Stafford from the beginning of the session, was adopted.

Senator Sherrill moved to table the motion to reconsider.

Tabled by the following vote:

Yeas—17.

Agnew.	Presler.
Atlee.	Rogers.
Bailey.	Shelburne.
Crowley.	Sherrill.
Dean.	Simpson.
Dibrell.	Steele.
Dickson.	Whitaker.
Greer.	Woods.
McKinney.	

Nays—11.

Beall.	Lawhon.
Boren.	Lewis.
Colquitt.	Smith.
Darwin.	Stafford.
Goss.	Tips.
Harrison.	

Absent—excused.

McComb.

Absent—not excused.

Bowser.

Gage.

Senator Greer called up Senator Crowley's motion to reconsider the vote by which Senate bill No. 5 (Board of Pardons bill) was passed to engrossment.

Senator Steele moved a call of the Senate, which was ordered, the following answering to their names:

Agnew.	Lawhon.
Atlee.	Lewis.
Bailey.	McKinney.
Beall.	Presler.
Boren.	Rogers.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Crowley.	Simpson.
Darwin.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.

Absent—excused.

McComb.

Absent—not excused.

Gage.

Senator Dean moved to excuse the absentees.

Excused by the following vote:

Yeas—20.

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Sherrill.
Crowley.	Stafford.
Darwin.	Steele.
Dibrell.	Whitaker.
Greer.	Woods.

Nays—9,

Boren.	Shelburne.
Dean.	Simpson.
Dickson.	Smith.
Goss.	Tips.
Lewis.	

Absent—excused.

McComb.

The motion to reconsider was then lost by the following vote:

Yeas—13.

Agnew.	Presler.
Atlee.	Sherrill.
Beall.	Stafford.
Colquitt.	Steele.
Crowley.	Tips.
Lawhon.	Whitaker.
McKinney.	

Nays—16.

Bailey.	Greer.
Boren.	Harrison.
Bowser.	Lewis.
Darwin.	Rogers.
Dean.	Shelburne.
Dibrell.	Simpson.
Dickson.	Smith.
Goss.	Woods.

Absent—excused.

McComb.

Absent—not excused.

Gage.

Senator Tips moved to suspend regular business and take up Senate bill No. 73, a bill to be entitled "An act to authorize the State Health Officer, with the advice and consent of the Governor, to sell any condemned property in the State quarantine service, and to pay over the proceeds into the general revenue of the State."

Carried.

Bill read second time and ordered engrossed.

On motion of Senator Steele, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its final passage by the following vote:

Yeas—26.

Agnew.	Bowser.
Bailey.	Colquitt.
Beall.	Crowley.
Boren.	Darwin.

Dean.
Dibrell.
Dickson.
Goss.
Greer.
Harrison.
Lawhon.
McKinney.
Presler.

Rogers.
Shelburne.
Sherrill.
Simpson.
Stafford.
Steele.
Tips.
Whitaker.
Woods.

Nays—2.

Lewis.

Smith.

Absent—excused.

McComb.

Absent—not excused.

Atlee.

Gage.

Bill read third time and passed by the following vote:

Yeas—28.

Agnew.	Harrison.
Bailey.	Lawhon.
Beall.	Lewis.
Boren.	McKinney.
Bowser.	Presler.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Sherrill.
Dean.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Goss.	Tips.
Greer.	Whitaker.

Nays—None.

Absent—excused.

McComb.

Absent—not excused.

Atlee.

Gage.

Senator Agnew called up House concurrent resolution No. 3, providing for committees to visit the various State institutions.

The resolution was read and lost by the following vote:

Yeas—13.

Agnew.	Greer.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Sherrill.
Crowley.	Smith.
Dean.	Stafford.
Goss.	

Nays—16.

Atlee.	Lewis.
Bailey.	McKinney.
Boren.	Shelburne.
Darwin.	Simpson.
Dibrell.	Steele.
Dickson.	Tips.
Harrison.	Whitaker.
Lawhon.	Woods.

Absent—not excused.

McComb.

Absent—not excused.

Gage.

On motion of Senator Beall, substitute Senate bill No. 7, a bill to be entitled "An act to amend section 9 of chapter 122 of

the general laws of the State of Texas, passed at the regular session of the Twenty-third Legislature and approved May 20, 1893," was made special order for 10:30 a. m. on next Friday.

Senator Bailey moved to reconsider the vote by which House concurrent resolution No. 3 was lost.

Senator Atlee moved to table the motion to reconsider.

Senator Dean moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Agnew.	Lawhon.
Atlee.	Lewis.
Bailey.	McKinney.
Beall.	Presler.
Boren.	Rogers.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Crowley.	Simpson.
Darwin.	Smith.
Dean.	Stafford.
Dibrell.	Steele.
Dickson.	Tips.
Goss.	Whitaker.
Greer.	Woods.
Harrison.	

Absent—excused.

McComb.

Absent—not excused.

Gage.

Senator Simpson moved to excuse the absentee.

Excused.

The motion to table was then adopted by the following vote:

Yeas—18.

Agnew.	Lewis.
Atlee.	McKinney.
Bailey.	Shelburne.
Boren.	Simpson.
Bowser.	Stafford.
Darwin.	Steele.
Dickson.	Tips.
Harrison.	Whitaker.
Lawhon.	Woods.

Nays—11.

Beall.	Greer.
Colquitt.	Presler.
Crowley.	Rogers.
Dean.	Sherrill.
Dibrell.	Smith.
Goss.	

Absent—excused.

McComb.

Absent—not excused.

Gage.

BILLS ON THIRD READING.

The Chair laid before the Senate, Senate bill No. 23, entitled "An act to repeal chapter 15, of the general laws of the State of Texas, passed at the regular session of the Twenty-third Legislature, and to revise article 2309 of the Revised Civil Statutes of the State of Texas."

Bill read third time and passed.

Senator Rogers entered a motion to be spread on the Journal to reconsider the

vote by which Senate bill No. 23 was passed.

The Chair then laid before the Senate Senate bill No. 16, entitled "An act to set aside all tax sales of land heretofore made to the State and to cities and towns, and to provide for the collection of all taxes heretofore accrued since January 1, 1877, or that may hereafter accrue, whether the same be due the State, county, or the cities and towns."

On motion of Senator Colquitt, the bill was made special order for Wednesday, January 30, after call.

Senator Smith called up Senator Rogers' motion to reconsider the vote by which Senate bill No. 23 was passed, and moved to lay that motion on the table.

Tabled by the following vote:

Yeas—20.

Agnew.	Presler.
Atlee.	Shelburne.
Bailey.	Sherrill.
Beall.	Simpson.
Bowser.	Smith.
Dean.	Stafford.
Dibrell.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Lawhon.	Woods.
Lewis.	

Nays—8.

Boren.	Dickson.
Colquitt.	Harrison.
Crowley.	McKinney.
Darwin.	Rogers.

Absent—excused.

McComb.

Absent—not excused.

Gage.

Senator Dean moved to fix 10:30 a. m. tomorrow as the hour for the Senate to go into executive session on the Governor's appointments.

Carried.

BILLS ON SECOND READING.

The Chair laid before the Senate, with committee substitute,

Senate bill No. 27, a bill to be entitled "An act to transfer to the general revenue account parts of certain funds now in the State Treasury to the credit of other accounts."

Bill and substitute read.

Committee substitute adopted.

By Senator Lewis:

Amend by striking out all of line No. 6, "From direct tax account, \$105,000."

Adopted by the following vote:

Yeas—20.

Agnew.	Dickson.
Atlee.	Greer.
Beall.	Harrison.
Boren.	Lawhon.
Bowser.	Lewis.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Tips.

Yeast—20.

Agnew.	Greer.
Atlee.	Lewis.
Bailey.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Sherrill.
Dean.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Goss.	Woods.

Nays—9.

Boren.	Shelburne.
Crowley.	Simpson.
Darwin.	Tips.
Harrison.	Whitaker.
Lawhon.	

Absent—excused.

McComb.

Absent—not excused.

Gage.

(President Pro Tem Lewis in the chair.)

The Chair laid before the Senate

Senate bill No. 61, being a bill to be entitled "An act to amend articles 2447, 2452 and 2453, of title 45, of the Revised Civil Statutes of the State of Texas, and to repeal article 2448 of said title."

Bill read second time and ordered engrossed.

Senator Agnew moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill be placed upon its third reading and final passage.

Carried by the following vote:

Yeas—24.

Agnew.	Greer.
Atlee.	Lawhon.
Bailey.	Lewis.
Beall.	McKinney.
Bowser.	Fresler.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Sherrill.
Dean.	Simpson.
Dibrell.	Statford.
Dickson.	Steele.
Goss.	Woods.

Nays—4.

Harrison.	Tips.
Smith.	Whitaker.

Absent—excused.

McComb.

Absent—not excused.

Boren.	Gage.
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Bill read third time and passed by the following vote:

Yea—29.

Agnew.	Goss.
Atlee.	Greer.
Bailey.	Harrison.
Beall.	Lawhon.
Boren.	Lewis.
Bowser.	McKinney.
Colquitt.	Presler.
Crowley.	Rogers.
Darwin.	Shebarne.
Dean.	Sherrill.
Dibrell.	Simpson.
Dickson.	Smith.

1. *Journal of Management Studies*, 1990, 27, 1, 1-14.

5-Senate

Stafford.
Steele.
Tips.

Whitaker
Woods.

Nays—none.

Absent—excused.

McComb.

Absent—not excused.

Gage.

The Chair announced that, as per resolution adopted this morning, the hour fixed for the Senate to proceed to the election of a United States Senator to succeed Hon. Richard Coke had arrived, and announced that nominations were in order.

Senator Atlee, in placing in nomination for United States Senator the Hon. Horace Chilton, spoke as follows:

Mr. President: This is an occasion most important, considering the question before us at this time. The privilege accorded is one that affords me personally great pleasure, that of putting in nomination the name of a citizen of Texas to represent the State in the greatest legislative body on the continent of America, and I may say in the world. This privilege which I enjoy at the hands of my fellow Senators I do not take to myself personally, but recognize in it a tribute to the section of the State which I have the honor to represent.

The position of United States Senator I regard as the highest office that can be conferred, by the voice of the people, speaking through their legislature. And when I consider the interests committed to the hands of such a representative, my heart fills with gratitude that Texas, with her glorious history, is now, and in the past, has been ably represented in that honorable body. In 1846 that honor was first conferred on Sam Houston and Thomas J. Rusk; men whose names are brightest upon the pages of Texas history; men who were with the Republic in her early struggles; men imbued with patriotism, and who carried to the United States Senate the Lone Star, with a history more glorious than that of any state admitted to representation in that distinguished assembly. They came fresh from the scenes that secured Texas independence, and the struggles by which that independence was won.

Sam Houston had a record. Thomas J. Rusk had a record. They commanded admiration because of the records they bore, and were recognized on account of the record they had made. Thomas J. Rusk held that distinguished position until death relieved him of the trust. The responsibilities were actually borne during eleven years. He was succeeded on the 9th of November, 1857, by J. P. Henderson. Death relieved him also, and he was succeeded by appointment of Mathias Ward, on September 27, 1858. Senator Ward was succeeded in 1859 by the election of his successor, Louis T. Wigfall. Senator Wigfall was in the Senate of the United States, and withdrew from

that honorable body at the breaking out of our recent Civil War. Sam Houston, having entered upon that high office in February, 1846, held until March 3, 1859, when his term expired, having held the position for thirteen years. He was succeeded March 4, 1859, by John Hemphill, who retired with Senator Wigfall from the Senate of the United States in 1861.

Then follows a period when there was a vacancy in the Senate of the United States. But during this period Texas had a representation in the Congress of the Southern Confederacy.

In 1870 J. W. Flanagan was appointed. He held office until March 3, 1875, when he was succeeded by the Hon. S. B. Maxey, whose term began March 4, 1875, and expired March 3, 1887. Senator Maxey held the position with credit to the nation and to the State of Texas for twelve years. He was succeeded by Hon. John H. Reagan, whose term began March 4, 1887. Resigning in 1891, his successor was appointed—Hon. Horace Chilton—who was succeeded by the election by the Legislature of the Hon. Roger Q. Mills, who now holds that distinguished position. At the time of the appointment of Flanagan, Morgan C. Hamilton was also called upon to represent Texas in the United States Senate. His term began March 4, 1870, and expired March 3, 1877. Hamilton was succeeded by the Hon. Richard Coke, March 4, 1877, until the term of that distinguished Senator will expire on March 3, 1895. Of all who have represented Texas in the United States Senate, Richard Coke has for a longer time, consecutively, held that honor, and, upon the completion of his present term, he will have served in that capacity for the period of eighteen years.

It is useless for me to eulogize, or attempt to eulogize, any of the honored names which I have called, but I do desire to refer to the name of Richard Coke as a man who has stood proudly in the United States Senate and maintained the integrity of Democratic principles; who has advocated with his power of argument measures looking to the welfare of the entire country, and especially to the protection of the interests of Texas. Hon. Richard Coke withdraws from official life to the privacy of retirement, loaded down with the honors of faithful service; in Texas his memory will be cherished; in every household his name will be revered, and it is sufficient to say that the honors bestowed on him by the people of Texas will be a sufficient gratification to him in his retirement.

It is remarkable that we come at this time to present, as the successor of the Hon. Richard Coke, the Hon. Horace Chilton. He was the appointee of the Governor to fill the term, unexpired, of the Hon. John H. Reagan. When the Legislature met and the vacancy was to be filled Chilton was not its choice, but the honor was conferred upon Roger Q. Mills, eminent for his ability, distinguished for his statesmanship, revered for his pa-

trotism and his sterling qualities of manhood, and he bears the honor with dignity and ability.

Horace Chilton was also a man of ability, but the people, through their Legislature, did not see fit to continue him in that important position at that time. His career, however, is remarkable. Coming from the northeastern portion of the State, where his boyhood days had been spent, he had early learned those principles that ennoble manhood. As a young man he showed marked distinction and capacities. His career in early life is one of which he may well be proud. Not blessed with affluence; deprived of the privileges of a collegiate education, driven by necessity to strike for himself, he entered at an early age upon the work of a printer. The first paper he published was a very small specimen of a newspaper, not more than six by twelve, if quite that large. But he was industrious; he was energetic; he was consecrated to a purpose. His early earnings were devoted to an end. By his industry, his energy, his natural endowment, he obtained a start, and it seemed he was destined to reach the summit of his ambitions. He studied law and was admitted to practice. A man peculiarly endowed intellectually, with ability to cope with the oldest practitioners in the courts, he at once attained a most enviable reputation.

It is remarkable, I say, that a man, under such circumstances, entering the arena of life, battling against the hardships, the inconveniences and embarrassments that beset him on every side, could, by dint of energy and perseverance, bring himself to notice so early as a candidate for United States Senator.

A man of eminent ability, devoted to the interests of the people when their interests were involved in any question, he comes before the Legislature of Texas today, not because of any record he has made in political life; not because of any distinguished public service; but with ability and patriotic devotion, he comes and submits himself as qualified to represent Texas in the grandest legislative assembly in the world.

I say it is remarkable. With no previous public record to commend him he went before the people, believing that they should be consulted in the selection of a United States Senator. Following that idea, when the Hon. Richard Coke indicated that he would no longer be a candidate for the position, and that he would retire at the end of his present term, he presented his views to the people on public issues. The people then, with a knowledge of his ideas as to government, with a knowledge of his policy as to currency, the tariff, and other great questions that would be issues in the Senate of the United States, signified their choice. He informed the people; the people heard him and by almost unanimous voice have said to

their representatives: "Chilton is worthy of the honor; Chilton is able to represent the people of Texas."

He is endowed with patriotism, with intellectual power, with culture and refinement, and with every degree of excellence that should characterize the Senator from Texas. The people know his intrinsic worth; and, almost unanimously, they demand that we name him to succeed the Hon. Richard Coke.

I am willing, Mr. President, to intrust the honor of Texas, the dignity of Texas, the history of Texas in the hands of the patriotic, cultivated, endowed Horace Chilton; assured that the trust reposed in his hands will never be betrayed. It does not become me to indulge longer in presenting the name of Horace Chilton before this body. As I stated in the outset, I regard the privilege as one of the highest that I could have enjoyed during the term of my service and connection with this body. I recognize it as a compliment—not to myself, but to my section—coming, as I do, from the sacred shades of the Alamo and near the precincts hallowed by patriots' blood at Goliad.

I now place in nomination before this Senate for election as United States Senator, Horace Chilton of Smith county.

Senator Darwin nominated Hon. Thos. L. Nugent.

Senators Presler, Agnew, Sherrill, Boren and Lawhon seconded the nomination of Mr. Chilton.

Senator Harrison seconded the nomination of Mr. Nugent.

The Chair declared nominations closed, and ordered the Secretary to call the roll, the result being as follows:

For Horace Chilton—Senators Agnew, Atlee, Bailey, Beall, Boren, Colquitt, Crowley, Dean, Dibrell, Dickson, Gage, Goss, Greer, Lawhon, Lewis, McKinney, Presler, Rogers, Shelburne, Sherrill, Simpson, Smith, Stafford, Steele, Tips, Whitaker, Woods.

For Thos. L. Nugent—Senators Darwin and Harrison.

The Chair announced that the Senate would, at 12 m. tomorrow, Wednesday, Jan. 23, meet the House in joint session to ballot for United States Senator to succeed Hon. Richard Coke.

On motion of Senator Whitaker, the Senate adjourned to 10 a. m. tomorrow.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas, Wednesday, Jan. 23, 1895.

Senate met pursuant to adjournment.
Lientenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Beall.
Atlee.	Boren.
Bailey.	Bowser.